

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

TOMMY DEAN PROFFITT, JR.

V.

STATE OF TEXAS

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C.A. NO. C-05-186

APPELLATE IN FORMA PAUPERIS DEFICIENCY ORDER

The Court has received petitioner's notice of appeal (D.E. 40) but petitioner has failed to pay the filing fee of \$355.00 or submit a completed application to proceed on appeal *in forma pauperis* with his original signature together with an *in forma pauperis* data sheet certified by one of the officers in the law library.

Accordingly, it is **ORDERED** that the Clerk forward to Petitioner/Appellant, an application to proceed *in forma pauperis*. Within thirty (30) days of the date of this order Petitioner/Appellant must submit to the district court either the filing fee of \$355.00 or a completed application to proceed *in forma pauperis* together with an *in forma pauperis* data sheet certified by one of the officers in the law library for this appeal to proceed. Failure to timely comply may result in dismissal of the appeal for want of prosecution.

ORDERED this 22nd day of January, 2007.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE